

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,)	
)	
v.)	No. 1:24-cr-245
)	
PETER MARKUS KUTTKE,)	Hon. Rossie D. Alston, Jr.
)	
Defendant.)	Motion Hr'g: Jan. 15, 2025

**DEFENDANT'S RESPOSNE TO THE GOVERNMENT'S MOTION IN
LIMINE**

Peter Markus Kuttke, through undersigned counsel, respectfully files this Response to the Government's Motion in Limine.

The government seeks an Order from the Court designed to prevent undersigned counsel from making certain arguments, entering into lines of questioning, and presenting evidence at trial relating to the following: (1) specific-instance character evidence regarding the Defendant, (2) the Defendant's lack of criminal history, (3) the Defendant's present health, (4) the potential penalty or punishment the Defendant will face if convicted. Furthermore, the government seeks and Order to exclude witnesses, with the exception of the case agent, from the Courtroom during trial testimony.

With respect to the four lines of questioning or argument identified by the Government's motion, any such ruling, in the absence of any basis for the belief that defense counsel intends to violate settled restrictions governing arguments at trial or the rules of evidence regarding these points would be entirely advisory and

hypothetical. Furthermore, the defense has no intention of making such arguments or entering into such lines of question regarding defendant's character, lack of criminal history, present health, or potential punishment if convicted. As such, Mr. Kuttke respectfully requests the Court deny the Government's Motion in Limine asking to preclude the following: (1) specific-instance character evidence regarding the Defendant, (2) the Defendant's lack of criminal history, (3) the Defendant's present health, (4) the potential penalty or punishment the Defendant will face if convicted.

With respect to the final point in the Government's motion, Mr. Kuttke has no objection to the Court imposing the Rule on Witnesses during trial.

Respectfully submitted,

PETER MARKUS KUTTKE

By Counsel,
Jeremy C. Kamens
Federal Public Defender

By: /s/
Brooke S. Rupert, 79729
Counsel for Mr. Kuttke
1650 King Street, Suite 500
Alexandria, VA 22314
703-600-0849 (tel)
703-600-0880 (fax)
Brooke_Rupert@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2025, I filed the foregoing via the CM/ECF system, which will electronically serve a copy upon counsel of record.

/s/

Brooke S. Rupert, 79729
Assistant Federal Public Defender
Office of the Federal Public Defender
1650 King Street, Suite 500
Alexandria, VA 22314
703-600-0849 (tel)
703-600-0880 (fax)
Brooke_Rupert@fd.org